

§ 157.105 Issuance of certificate.

A certificate requested under this subpart will be issued if:

- (a) The application for the certificate complies fully with §§ 157.102 and 157.103; and
- (b) The presumptions established under § 157.104 are not rebutted.

§ 157.106 Protests to abandonment of new service.

(a) *Notice by certificate holder under § 157.103(f).* Any authority pre-granted to a certificate holder to abandon any new service or qualifying facilities authorized by a certificate issued under this subpart upon the expiration of any contract for such new service, is conditional and subject to protest by any customer to which the new service is provided.

(b) *Protest procedure.* (1) If a new service customer received notice of a proposed abandonment from a certificate holder in accordance with § 157.103(f), the customer may, within 30 days prior to such expiration date, file a petition under § 385.207 of this chapter to protest the abandonment and request the Commission to direct the certificate holder to continue the new service in accordance with the expired contractual agreement.

(2) The Commission may require the certificate holder to continue to provide the new service described in the abandonment notice under § 157.103(f) where the Commission determines that:

- (i) Continuation of the new service is necessary because the customer is unable, after having made all reasonable efforts, to arrange for alternative service, and
- (ii) The customer will pay the rate on file for the new service.

Subpart F—Interstate Pipeline Blanket Certificates and Authorization Under Section 7 of the Natural Gas Act for Certain Transactions and Abandonment

§ 157.201 Applicability.

(a) *Scope.* This subpart establishes a procedure whereby an interstate pipeline may obtain a blanket certificate

authorizing certain construction and operation of facilities, sales arrangements and certain certificate amendments and abandonment under section 7 of the Natural Gas Act.

(b) *Who may apply.* This procedure is only applicable to interstate pipelines.

(c) *Cross-reference.* The procedures applicable to transportation by interstate pipelines under blanket certificates are set forth in subpart G of part 284 of this chapter.

(d) *Availability of case-specific certificates.* Nothing in this subpart shall preclude an interstate pipeline from proceeding under any other provision of the Commission's regulations to obtain Commission approval of abandonments or a temporary or permanent certificate of public convenience and necessity.

[Order 234, 47 FR 24266, June 4, 1982, as amended by Order 436, 50 FR 42490, Oct. 18, 1985]

§ 157.202 Definitions.

(a) *General rule.* Terms defined in the Natural Gas Policy Act of 1978 (NGPA) shall have the same meaning for the purposes of this subpart as they have under the Natural Gas Policy Act of 1978.

(b) *Subpart F definitions.* For purposes of this subpart:

(1) *Certificate holder* means any interstate pipeline with an effective blanket certificate issued pursuant to this subpart.

(2)(i) *Eligible facility* means, except as provided in paragraph (b)(2)(ii) of this section, any facility subject to the Natural Gas Act jurisdiction of the Commission that is necessary to provide service within existing certificated volumes, or any gas supply facility. Eligible facility includes any facility needed by the certificate holder to receive gas from a supplier and interconnecting points between transporters that transport natural gas under § 284.221 of this chapter.

(ii) *Exclusions:* "Eligible facility" does not include:

- (A) A main line of a transmission system;
- (B) An extension of a main line;
- (C) A facility, including compression and looping, that alters the capacity of a main line;

(D) A facility required to test, develop or utilize an underground storage field or to store gas above ground in either a gaseous or liquefied state;

(E) Sales taps;

(F) A facility that crosses a state line and is constructed for the primary purpose of transporting gas which is also transported by an intrastate pipeline under section 311(a)(2) of the NGPA;

(G) A facility constructed to effect the purchase of gas from plants manufacturing synthetic gas or from plants gasifying liquefied natural gas.

(3) *Facility* does not include the items described in § 2.55 of this chapter.

(4) *Gas supply facility* means a facility subject to the Natural Gas Act jurisdiction of this Commission which is necessary to connect the system of a certificate holder, or the system of a pipeline (including the certificate holder) authorized to transport gas for or exchange gas with an interstate pipeline company, to natural gas supplies destined for the system supply of an interstate pipeline company.

(5) *Main line* means the principal transmission facilities of a pipeline system extending from supply areas to market areas and does not include small-diameter lateral or gathering lines.

(6) *Miscellaneous rearrangement of any facility* means any rearrangement of a facility that does not result in any change of service rendered by means of the facilities involved, e.g., changes in existing field operations or relocation of existing sales or transportation facilities when required by highway construction, dam construction or similar reasons.

(7) *Project* means a unit of improvement or construction which, upon completion, is used and useful without any further construction of facilities.

(8) *Project cost* means the total actual cost of constructing the jurisdictional portions of a project. In the case of a project constructed jointly by more than one interstate pipeline, the project cost is the total cost, irrespective of the amount paid by each pipeline.

(9) *Right-of-way grantor* means (i) a person who grants a right-of-way ease-

ment to the certificate holder; or (ii) any successor to an interest which is subject to the easement.

(10) *Sales tap* means metering and appurtenant facilities necessary to enable the certificate holder to deliver gas to a distribution customer or an end-user, irrespective of whether the certificate holder owns the gas to be transported.

(11) *Sensitive environmental area* means:

(i) The habitats of species which have been identified as endangered or threatened under the Endangered Species Act (Pub. L. 93-205, as amended);

(ii) National or State Forests or Parks;

(iii) Properties listed on, or eligible for inclusion in, the National Register of Historic Places, or the National Register of Natural Landmarks;

(iv) Floodplains and wetlands;

(v) Designated or proposed wilderness areas, national or state wild and scenic rivers, wildlife refuges and management areas and sanctuaries;

(vi) Prime agricultural lands, designated by the Department of Agriculture; or

(vii) Sites which are subject to use by American Indians and other Native Americans for religious purposes.

(12) *Storage service* means the receipt of natural gas for injection into storage and the subsequent withdrawal of an equivalent volume (less any fuel or unaccounted for volumes) at a later date.

(13) *High priority end use* means any use of natural gas:

(i) Certified by the Secretary of Agriculture under 7 CFR 2900.3 as an "essential agricultural use" under section 401(c) of the Natural Gas Policy Act of 1978;

(ii) In a hospital or school or similar institution as defined in § 281.103(a) (11) and (12) of this chapter;

(iii) In a commercial establishment that uses 50 Mcf or more of natural gas on a peak day;

(iv) For plant protection; or

(v) For process and feedstock needs.

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(14) *High priority end user* means any person who consumes natural gas in a high priority end use.

[Order 234, 47 FR 24266, June 4, 1982, as amended by Order 319, 48 FR 34888, Aug. 1, 1983; Order 319-A, 48 FR 51446, Nov. 9, 1983; Order 436, 50 FR 42490, Oct. 18, 1985]

§ 157.203 Blanket certification.

(a) *Effect.* A blanket certificate issued pursuant to this subpart authorizes the certificate holder, in accordance with the provisions of this subpart, to engage in any of the activities specified in § 157.208 through § 157.218 (as may be amended from time to time).

(b) *Automatic authorization.* A blanket certificate issued pursuant to this subpart authorizes the certificate holder to engage in transactions described in §§ 157.208(a), 157.211(a), 157.213(a), 157.215, 157.216(a), 157.217 or 157.218 without further Commission approval.

(c) *Prior notice required.* A blanket certificate issued pursuant to this subpart authorizes the certificate holder to engage in activities described in §§ 157.208(b), 157.211, 157.211(b), 157.212, 157.213(b), 157.214, or 157.216(b), if the requirements of § 157.205 have been fulfilled.

[Order 234, 47 FR 24266, June 4, 1982, as amended by Order 319, 48 FR 34888, Aug. 1, 1983; Order 436, 50 FR 42490, Oct. 18, 1985]

§ 157.204 Application procedure.

(a) *Who may apply.* Any interstate pipeline which has been issued a certificate other than a limited-jurisdiction certificate, pursuant to section 7 of the Natural Gas Act and had rates accepted by the Commission may apply for a blanket certificate under this subpart in the manner prescribed in §§ 157.6(a), 157.14(a) and 385.2011 of this chapter.

(b) *Hearing procedure.* Upon receiving an application for a blanket certificate under this subpart, the Commission will conduct a hearing pursuant to section 7(c) of the Natural Gas Act and §§ 1.32 and 157.11 of this chapter.

(c) *Issuance.* If required by the present or future public convenience and necessity, the Commission will issue a blanket certificate to the applicant.

(d) *Application contents.* Applications for blanket certificates shall contain:

(1) Information indicating the exact legal name of the applicant; its principal place of business; whether the applicant is an individual, partnership, corporation or otherwise; citation to the certificate proceeding in which the applicant was found to be a natural gas company; the state under the laws of which the applicant is organized or authorized to do business; and the name, title, and mailing address and telephone number of the person or persons to whom communications concerning the application are to be addressed;

(2) A list of outstanding budget-type certificates issued to the applicant pursuant to § 157.7;

(3) A statement that the applicant will comply with the terms, conditions and procedures specified in this subpart;

(4) A list of any currently effective rate schedules which would apply to any service authorized by § 157.210 or § 157.213 and an explanation of the treatment of revenues under such rate schedules.

(5) A list of all on-going storage field tests which were commenced under a budget-type certificate issued under § 157.7(d).

(e) *Filing fees.* Each application for a blanket certificate under this subpart must be accompanied by the fee prescribed by part 381 of this chapter or a petition for waiver pursuant to § 381.106 of this chapter.

[Order 234, 47 FR 24266, June 4, 1982, as amended by Order 319, 48 FR 34888, Aug. 1, 1983; Order 433, 50 FR 40345, Oct. 3, 1985; Order 436, 50 FR 42490, Oct. 18, 1985; Order 493, 53 FR 15030, Apr. 27, 1988]

§ 157.205 Notice procedure.

(a) *Applicability.* No activity described in §§ 157.208(b), 157.210, 157.211(a)(2), 157.212, 157.213(b), 157.214, 157.216(b) or 284.223(b) is authorized by a blanket certificate granted under this subpart or by part 284, unless, prior to undertaking such activity:

(1) The notice requirements have been fulfilled in accordance with the provisions of this section; and

(2) Either (i) no protest has been filed pursuant to paragraph (e) of this section or, (ii) if a protest has been filed, it has been withdrawn pursuant to paragraph (g) of this section.